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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,749	02/13/2004	Yoshiyuki Horii	0505-1265P	5322
2292	7590	02/28/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			YEAGLEY, DANIEL S	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/777,749

Applicant(s)

HORII ET AL.

Examiner

Daniel Yeagley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4, 5, 7 – 13, 15 and 17 – 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Gogo '310.

Gogo shows a rear suspension comprising a front end of a rear swing arm 32 coupled to a body frame having a shock absorber (cushion 34) with a first end (lower end) coupled between the swing arm and the body frame by a link (figure 8) and the second end (upper end) of the shock coupled to the swing arm at a location above the swing arm (figure 8), wherein the shock absorber; as shown, includes a damper, a cushion spring and a cushion holder 43 at a lower end of the shock absorber, such that the holder has a pair of bosses on the side of the holder and includes a connecting part that extends downward from a bottom of the cushion holder; as best understood, wherein the holder is coupled to a first end of the link 81 at a side of the holder with a second end of the link 81 being coupled to the body frame, such that the link includes a substantially triangular first link 81 connected to a stay 52 attached to the body frame and to the side of the holder with an intermediate portion of the first link connected to a first end of a second link 82 with the second end of the second link connected to the swing arm as now claimed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogo '310 in view of Padgett '495.

Gogo disclosed the rear suspension with a shock absorber vertically arranged inclining forward (figure 2), wherein the suspension comprises a rear swing arm coupled to a pivot frame 16 attached to the body frame (figure 1), such that the lower end of the shock absorber is coupled between a swing arm and the body frame by a link (figure 8) with the upper end of the shock coupled to the swing arm at a location above the swing arm by a bridge 36, 47 which support the upper end of the shock absorber as broadly claimed, however Gogo was silent as to the swing arm having a left and right forked arm with a bridge installed between the arms.

Padgett is only cited as an example of a rear suspension that instinctively shows the prior art of providing a rear swing arm with a bridge 72,74 installed between a left and right forked arm to support an end of a shock absorber (figure 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a more common readily available forked type swing arm, such like the one shown by Padgett in order to better support the rear wheel and the shock absorber from both the left and right side of the component.

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5. Claims 6, 8, 14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gogo '310 in view of Tsuchida et al '755.

Gogo disclosed the rear suspension; as claimed, comprising a cushion spring and a piston rod extending downward from a damper which are supported inside a shock absorber (cushion) by a top and bottom portion, wherein the shock includes a cylindrical cushion holder 43 that supports a lower end of the piston rod and a cushion spring as broadly claimed, however Gogo failed to show the lower end of the piston rod and spring directly supported inside the bottom of the cushion holder itself; as understood.

Tsuchida et al is cited as an example of a rear suspension that distinctively shows the prior art of utilizing a side mounted cushion holder that incorporates a cylindrical member which supports the lower end of a piston rod and spring inside a bottom of a cushion holder (figure 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the cushion holder means of Gogo shock absorber with a different style holder, such like a cup style holder as shown in Tsuchida, simply as an alternative cushion holder means for supporting a lower portion of Gogo cushion by utilizing a cylindrical cup style holder to alternatively support the lower piston rod and spring in the bottom of a side mounted holder as taught by the cup style holding member of Tsuchida.

Response to Arguments

6. Applicant's arguments with respect to claims 1 - 19 have been considered but are moot in view of the new ground(s) of rejection as stated above as now claimed. Tsuchida clearly shows the prior art of supporting a lower end of a shock absorber in a side mounted holder which uses a

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cylindrical member to support the lower end of the piston rod and spring inside a bottom of a cushion holder as claimed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gogo '461 show a rear suspension with a link supported on the side of the shock absorber and coupled to the rear swing arm.


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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is (571)-272-6655. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D. Morris can be reached on (571) - 272 - 6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.


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